

AP3 Rec'd PCT/PTO 19 MAY 2008

PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER PT2116001 U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/580011
INTERNATIONAL APPLICATION NO. PCT/CA2004/001986	INTERNATIONAL FILING DATE November 18, 2004	PRIORITY DATE CLAIMED November 20, 2003
TITLE OF INVENTION Cycloalkyl Derivatives of 3-Hydroxy-4-Pyridinones		
APPLICANT(S) FOR DO/EO/US Tim Fat Tam, Michael Spino, Wanren Li, Yingsheng Wang, Yangqing Zhao and Birenkumar Hasmukhbhai Shah		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
Items 11 to 20 below concern document(s) or information included:		
<p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p>		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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The fee is \$250 for each additional 50 sheets of paper or fraction thereof.</td> <td></td> <td></td> <td colspan="2"></td> </tr> <tr> <td>Total Sheets</td> <td>Extra Sheets</td> <td>Number of each additional 50 or fraction thereof (round up to a whole number)</td> <td>RATE</td> <td colspan="2"></td> </tr> <tr> <td>- 100 =</td> <td>/50 =</td> <td></td> <td>x \$250</td> <td colspan="2">\$ 0.00</td> </tr> <tr> <td colspan="2">Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).</td> <td></td> <td></td> <td colspan="2">\$</td> </tr> <tr> <td>CLAIMS</td> <td>NUMBER FILED</td> <td>NUMBER EXTRA</td> <td>RATE</td> <td colspan="2">\$</td> </tr> <tr> <td>Total claims</td> <td>17 - 20 =</td> <td>0</td> <td>x \$ 50</td> <td colspan="2">\$ 0.00</td> </tr> <tr> <td>Independent claims</td> <td>4 - 3 =</td> <td>1</td> <td>x \$200</td> <td colspan="2">\$ 200.00</td> </tr> <tr> <td colspan="2">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td></td> <td>+ \$360</td> <td colspan="2">\$ 0.00</td> </tr> <tr> <td colspan="2">TOTAL OF ABOVE CALCULATIONS =</td> <td></td> <td>\$ 200.00</td> <td colspan="2"></td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Applicant claims small entity status. 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- a. A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. Please charge my Deposit Account No 08-3255 in the amount of \$1,140.00 to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 08-3255. A duplicate copy of this sheet is enclosed.
- d. Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:



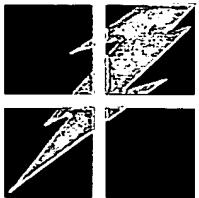
SIGNATURE

Marcelo K. Sarkis

NAME

37,015

REGISTRATION NUMBER



Ivor M. Hughes

Barrister & Solicitor

Patent & Trade Mark Agents
Canada, United States



Our Ref: PT2116001

May 18, 2006

Via Courier

The Commissioner of Patents
United States Patent and Trademark Office
Customer Service Window, Mail Stop PCT
Randolph Building
401 Dulany Street
Alexandria, VA 22314
U.S.A.

Dear Sir/Madam:

Re: National Phase Entry in United States

of Tim Fat Tam, Michael Spino, Wanren Li, Yingsheng Wang, Yanqing Zhao and Birenkumar Hasmukhbhai Shah

for **Cycloalkyl Derivatives of 3-Hydroxy-4-Pyridinones**

based on **International Application No. PCT/CA2004/001986**

International Filing Date: November 18, 2004

Priority Date: November 20, 2003

Due Date: May 20, 2006

Please find enclosed herewith the following documentation for filing with the Commissioner in connection with the National Phase entry in the United States of International Application No. PCT/CA2004/001986 under 35 U.S.C. 371:

1. Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) concerning a submission under 35 U.S.C. 371 (Form PTO-1390).
2. International Publication No. WO 2005/049609 dated June 2, 2005 (*Item 5 of Form PTO-1390*).
3. Notification of Transmittal attaching International Search Report and Written Opinion of the International Searching Authority, dated March 14, 2005.

10/580011
Barristers & Solicitors
Ivor M. Hughes
Neil H. Hughes, P.Eng.
Marcelo K. Sarkis, P.Eng.
Wm. Kitt Sinden
Samuel T. Tekie, P.Eng.
Francis Ng-Cheng-Hin
Patent Agents

IAP12 Rec'd PCT/PTO 19 MAY 2006

4. Declaration of the inventors (Tim Fat Tam, Michael Spino, Wanren Li, Yingsheng Wang, Yanqing Zhao and Birenkumar Hasmukhbhai Shah) (*Item 9 of Form PTO-1390*).
5. Notarial copy of Assignment (from Tim Fat Tam, Michael Spino, Wanren Li, Yingsheng Wang, Yanqing Zhao and Birenkumar Hasmukhbhai Shah to Apotex Inc.) and Recordation Form Cover Sheet, Form PTO-1595 (*Item 12 of Form PTO-1390*).
6. Powers of Attorney (*Item 16 of Form PTO-1390*) for Bernard C. Sherman, as Chairman & C.E.O. of Apotex Inc., and for each of Tim Fat Tam, Michael Spino, Wanren Li, Yingsheng Wang, Yanqing Zhao, and Birenkumar Hasmukhbhai Shah, as inventors.

The Commissioner is hereby authorized to access our Deposit Account 08-3255 to obtain the amount of U.S. \$1,140.00, comprising of the following:

Description	Fee
Basic filing fee	\$ 300.00
Examination fee	200.00
Search fee	400.00
0 total claims over and above the 20 allowed per application	0.00
1 independent claim over and above the 3 allowed per application	200.00
Multiple dependent claim fee	0.00
Size fee for each additional 50 sheets that exceeds 100 sheets	0.00
Recording an Assignment	<u>40.00</u>
Total:	<u>\$1,140.00</u>

If there is any discrepancy in the required fees set out above, the Commissioner is authorized to adjust the amount accordingly and advise Applicant's agent.

In addition, please find enclosed a stamped, self-addressed verification card which we request you kindly stamp received and return to this office at the earliest opportunity.

We thank the Commissioner for his cooperation in this regard and look forward to receipt of the filing certificate in this matter.

Respectfully submitted,



Marcelo K. Sarkis

Registration No. 37,015

Agent for Applicant

WKS/jf

Enclosures